

**Virginia Department of Health (VDH)
Rainwater Harvesting and Reuse Regulation Stakeholder Workgroup
May 3, 2021, Meeting Minutes**

Meeting Location: Virtual (Webex)

List of Attendees:

Anthony Creech – VDH, Office of Environmental Health Services
Katherine Debusk Gee – Longwood University
Jeff Brown – Department of Housing and Community Development
Robert Cooper - DEQ
Tyrone Jarvis – Go Green Automotive Care
Nelson Daniel - VDH, Office of Drinking Water
Valerie Rourke– DEQ
Lance Gregory – VDH, Office of Environmental Health Services
Benjamin Sojka – Rainwater Management Solutions
Michael Redifer – Citizen
Christina Catineau –
Jay Otto – Otto Sales
Andrew Harrison – American Council of Engineering Companies

ADMINISTRATIVE

SharePoint Site

Mr. Creech reported that a SharePoint Site has been established for document sharing/editing by stakeholder group members

NOIRA

Mr. Creech reported that the Notice of Intended Regulatory Action (NOIRA) was published in the Virginia Registrar on March 1, 2021, and that no comments were received during the 30 day public comment period.

February 2, 2021, Meeting Minutes

Mr. Creech shared the draft minutes and confirmed that if no comments by members were provided within 24 hours, the minutes would be Final.

DRAFT REGULATIONS

Mr. Creech shared that he had received edits and comments on the proposed regulations from the Office of Drinking Water and from DEQ. ODW edits of definitions were primarily to provide consistency with Waterworks Regulations definitions. DEQ noted that the rainwater definitions focused on human consumption but that the Uniform Statewide Building Code uses potable

water. Mr. Creech explained that human consumption is defined in the Code of Virginia and used in the waterworks regulations and acknowledged that rainwater harvesting regulations definitions would need clarity on this issue. Mr. Gregory noted that the Waterworks regulations include human consumption in the definition of “pure water” which defines potable water.

Mr. Creech noted that potable water would require high log reduction standards for disinfection, which will be costly, so it was possible that owners might select to incorporate two rainwater outputs – one a highly treated potable water supply, and a second less treated supply separately plumbed to toilets. This raises the question of whether the regulations should specifically discuss, or whether backflow prevention and cross-connection restrictions would be sufficient. Mr. Sojka noted that there has been inconsistency nationally on the appropriate log reduction standard for potable water, and that San Francisco’s differs from other jurisdictions.

Ms. Rourke suggested the variance process might be applicable to justify alternate log reduction standards. Mr. Sojka stated that a single defined standard is needed.

Mr. Creech noted that the draft regulation is divided into five distinct sections and asked the stakeholders to evaluate this format and suggest modifications as warranted. The five sections are:

- General Framework
- Procedural
- Design and Construction
- Performance Requirements
- Operation and Maintenance

With respect to continuity of water supply, Dr. Gee inquired if this could be avoided, noting one mountaintop project where a well or municipal supply is not available. Mr. Creech noted that hauled water backup is being contemplated for the regulation.

Mr. Brown indicated he will be evaluating draft regulation relative to USBC.

Mr. Creech noted that Mr. Harrison, representing the ACEC, will be evaluating Code of Virginia 54.1-402.6 and 402.7 exemptions with respect to the practice of engineering.

Considerable discussion occurred regarding proposed classes of rainwater harvesting systems. VDH desires to classify systems to simplify identification of performance standards and O&M requirements. Mr. Daniels suggested the waterworks model (residential, transient, non-transient). Mr. Jarvis suggested the ARCSA Standard model. Ms. Rourke noted that some businesses might require treatment exceeding or in some way differing from the potable water standard; e.g., a laundromat might require softened water. A house compared to a large warehouse may not require different quality, but the warehouse may need more frequent monitoring/maintenance/sampling.

Considerable discussion occurred relative to standards for materials and equipment. Mr Cooper noted that roofing materials, especially shingles, are under constant scrutiny. Mr. Jarvis suggested that the NSF P151 is the appropriate standard.

Mr. Creech requested members continue to review and comment on draft. VDH hopes to present a draft regulation to the Board of Health in the autumn.

NEXT MEETING

The next meeting will be scheduled to take place in June.